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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/470,265 12/22/99 ROBINSON

K. 303.455US3

EXAMINER
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021186 MM91/0104  
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH  
P.O. BOX 2938  
MINNEAPOLIS MN 55402

ART UNIT	PAPER NUMBER
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2811

DATE MAILED:

01/04/01

9

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trad marks**

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# Office Action Summary

Application No. <u>09/470,265</u>	Applicant(s) <u>ROBINSON</u>
Examiner <u>CUONG Q NGUYEN</u>	Group Art Unit <u>2811</u>

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 19, 20, 53, 79-87, 98-102, 104-106 is/are pending in the application.
- Of the above claim(s) 98-102 is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 19-20, 53, 79-87, 104-106 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d).

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 7, 2
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

## **DETAILED ACTION**

### ***Election/Restriction***

1. Applicant's election without traverse of embodiment I, claims 19, 20, 53, 79-87, 98-102, 104-106 and canceling remaining claims 39-49, 54-78, 88-97 and 103 in Paper No.8 are acknowledged. However, claims 98-102 contain limitation "forming an insulative layer overlying a silicon dioxide substrate" which does not show in elected embodiment Fig.1-Fig.7, therefore claims 98-102 also are withdrawn from consideration. Applicants are requested to cancel these claims or to amend these claims in order to read on the elected embodiment.

### ***Oath/Declaration***

2. The oath/declaration filed on 12-22-99 is acceptable.

### ***Drawings***

3. The formal drawings filed on 12-22-99 are acceptable.

### ***Information Disclosure Statement***

4. The Information Disclosure Statement filed on 09-21-00 has been considered.

### ***Claim Rejections - 35 U.S.C. § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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Claims 19, 53, 79, 80, 81, 87, 104 and 106 are rejected under 35 U.S.C. 102(e) as being anticipated by Jeon (US 6,025,257).

Jeon discloses DRAM memory device including a capacitor structure comprising: a first conductive plate (3, a lower capacitor electrode which contains an alloy of materials such as Cu, Pb and Ni); a dielectric layer (5, a high dielectric layer which contains an oxide of Cu, Pb and Ni) formed on the first conductive plate; a second conductive plate (4, an upper capacitor electrode which is formed from the same material as the lower capacitor electrode) formed on the dielectric layer, wherein the dielectric layer is an oxide of the first conductive material. See Jeon's Fig.2B and col.6 lines 15-38.

Claims 19, 53, and 81 are rejected under 35 U.S.C. 102(b) as being anticipated by Cabral et al. (US 5,625,233).

Cabral et al. discloses a capacitor structure comprising: a first conductive plate (aluminide layer); a dielectric layer (an aluminum oxide layer) formed on the first conductive plate; a second conductive plate (a platinum layer) formed on the dielectric layer, wherein the dielectric layer is an oxide of the first conductive material. See Cabral et al.'s Fig.5.

***Claim Rejections - 35 U.S.C. § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20, 82-86 and 105 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeon.

Jeon does not explicitly teach that the DRAM device is a portion of a monolithic memory device in a memory system, wherein a processor configured to access the monolithic memory device.

It would have been obvious to one of ordinary skill in the art to incorporate Jeon's DRAM memory device in the memory system as claimed because the memory structure such that the DRAM device is a portion of a monolithic memory device in a memory system, wherein a processor configured to access the monolithic memory device is conventional and well known in the art.

### *Conclusion*

**7. Papers related to this application may be submitted to Technology center (TC) 2800 by facsimile transmission. Papers should be faxed to TC 2800 via the TC 2800 Fax center located in Crystal Plaza 4, room 4-C23. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Group 2811 Fax Center number is (703) 308-7722 and 308-7724. The Group 2811 Fax Center is to be used only for papers related to Group 2811 applications.**

Serial Number:

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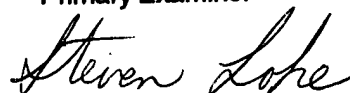
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8. Any inquiry concerning this communication or any earlier communication from the Examiner should be directed to CUONG Q NGUYEN whose telephone number is (703) 308-1293. The Examiner is in the Office generally between the hours of 6:30 AM to 5:00 PM (Eastern Standard Time) Monday through Thursday.
9. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center Receptionists whose telephone number is 308-0956.

CN

December 29, 2000 :

Steven Loke  
Primary Examiner

A handwritten signature in cursive script that reads "Steven Loke".